

Language Access Plan of Buckley Municipal Court

I. PURPOSE

The following plan is submitted on behalf of the **Buckley Municipal Court**, which is funded by the City of Buckley and operates within the geographic boundaries of the City of Buckley.

This LAP sets forth the **Buckley Municipal Court's** policy and procedures for the provision of timely language access services that ensure access for all limited English proficient (LEP), deaf, hard of hearing, and deaf-blind (D/HH/DB) individuals who come in contact with Buckley Municipal Court's services and programs. Language access services include both interpretation and translation services for LEP and D/HH/DB individuals.

II. COURT POLICY REGARDING LANGUAGE ACCESS SERVICES

Under Washington state law (RCW 2.42 and 2.43), Title VI of the Civil Rights Act of 1964 (Title VI), the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act), the Americans with Disabilities Act (ADA), and the regulations implementing these federal laws, Washington courts are required to provide language access services to all LEP and D/HH/DB individuals in civil and criminal court proceedings and in all court managed services and programs and to develop a written language access plan pursuant to RCW 2.43.090.

It is the policy of **Buckley Municipal Court** to provide foreign language interpreter services at no cost to LEP parties, witnesses, victims, and others with an interest (e.g., parents, legal guardians, custodians) in all court proceedings and operations, both civil and criminal, other than when it is the responsibility of other government bodies pursuant to state law. It is also the policy of this court to provide sign language interpreting services at no cost to persons who are D/HH/DB as required under applicable state and federal statutes and regulations.

Buckley Municipal Court will provide accessible information to LEP and D/HH/DB persons on how to request these language assistance services and vital documents as part of its notice to the public about its language access services.

Although D/HH/DB individuals are covered under the ADA and RCW 2.42 rather than Title VI and the Safe Streets Act, this plan covers language access services for both D/HH/DB and LEP individuals.

III. DATA COLLECTION AND NEEDS ASSESSMENT

The Court Administrator or designee will, on an annual basis, compile demographic data regarding the language needs of its community. The court will initially review data from sources such as the following:

- Most recent and relevant U.S. Census and American Community Survey (ACS); and
- Local school district (White River and Carbonado)
- [Language Interpretation Needs Dashboard](#)

This data will be analyzed annually to determine whether the court's allocation of language access resources is appropriate.

The Buckley Municipal Court will make every effort to track requests for language access services by:

- Language preference (both spoken, written, and signed);
- Case type (e.g. criminal, infraction, show cause.);
- Proceeding (e.g. trial, arraignment, initial appearance, etc.); and
- Location of service request (e.g. court hearing, ADR, clerk's office, etc.)

In addition to mechanisms discussed under the identification of language needs section below, the **Buckley Municipal Court** will track this internal data in a case management system where available, and/or case file if case management is not automated. On a yearly basis, the court will analyze the data collected to identify whether services requested are in fact provided, assist in the allocation of language access resources, and identify gaps in the provision of services to address future needs. The majority of this data is provided to AOC on a regular basis as part of the reimbursement program. If the reimbursement program is not available, the court will seek assistance from the AOC Interpreter Coordinator Office for direction and assistance in tracking their data.

A. Identified Current Needs

The most current language need identification efforts undertaken by **Buckley Municipal Court** shows the following non-English languages, whether spoken or signed, that are most frequently used in our **geographic area**:

- Spanish
- Russian
- Ukrainian
- American Sign Language

The most current language need identification efforts undertaken by **Buckley Municipal Court** shows the following foreign or sign languages that are most frequently used in our **court community**:

- Spanish
- Russian
- Ukrainian

- American Sign Language

B. Identified Future Needs (if any)

Buckley Municipal Court has identified the following emerging and/or additional languages among court users in the area for which resources will be needed in the future:

ASL is an extremely difficult language to schedule for in-court proceedings, as there are very few ASL interpreters qualified to interpret legal content.

IV. LANGUAGE ASSISTANCE IDENTIFICATION AND RESOURCES

A. Interpreter Services

The **Buckley Municipal Court** has designated **Jessica Cash, Court Administrator**, as the person responsible for coordinating language access services and to whom requests for interpreters and other language access services may be addressed. This designated person is available to:

- Develop lists of interpreters and secure interpreter services;
- Receive and track language assistance requests;
- Address gaps in interpreter services by conducting outreach as needed;
- Provide information to assist LEP and D/HH/DB individuals to secure language access services;
- Assist or provide referrals to attorneys, justice partners, and other relevant persons to secure language access services for their clients and constituents;
- Assist court staff with securing language access services; and
- Answer questions from LEP and D/HH/DB individuals, and the public at large, regarding the court's available language access services, including the court's language access resources such as translated materials, interpreter roster, language identification cards, and other resources identified in this Plan.

LEP and D/HH/DB individuals, attorneys, justice partners, government agencies, and any other entities in need of language access services for court programs or activities or to acquire such services or information for themselves or their clients, may contact:

Jessica Cash
 Court Administrator, Buckley Municipal Court
 811 Main St/P.O. Box 1452
 Buckley, WA 98321
 360-829-2118
 jcash@cityofbuckley.com

B. Identification of Language Access Needs and Notice of Availability

LEP and D/HH/DB, individuals may come in contact with court personnel via the phone, TTY / TDD, in-person, or through other means. In addition, there are various points of contact within **Buckley Municipal Court** where LEP individuals or persons who are D/HH/DB will be in contact with court staff. Sometimes people who need language access services, including translated documents, will not request these services because they do not realize that such services are available at no charge, or because they do not recognize the level of English language proficiency or communication ability needed to effectively participate in the court program, court proceeding, or court services. The first step in providing language access services is to enable LEP individuals or persons who are D/HH/DB to properly identify their language needs.

As a first step towards ensuring that LEP and D/HH/DB individuals are able to properly identify their language needs and to request language access and assistance services, **Buckley Municipal Court** has a legal obligation to provide accessible notice to the public of an individual's right to spoken and sign language interpreter services and to be provided vital documents in translated form whenever necessary to access court proceedings and court-managed programs.

1. Identifying Language Needs at Points of Access

Buckley Municipal Court will identify language access needs at all points of contact with the court, such as:

- Telephone calls to court staff: (360) 829-2118
- Security screening at courtroom entrance
- Court Front Counter
- Courtroom
- Remote hearings (video or telephonic)

To ensure the earliest possible identification of the need for language access services, the **Buckley Municipal Court** has established internal protocols with the various justice partners which routinely interact with this court in order for these partners to communicate to the appropriate court staff the needs of LEP or D/HH/DB participants who will be coming into contact with the court. While justice partners themselves may be under a separate legal obligation to provide language access services to their clients, the court will be notified of any services that fall under the responsibility of the court as early as possible so services may be provided in a timely and efficient manner. Examples of justice partners to be notified include:

- Correctional Facilities personnel
- LEP or D/HH/DB person notified the court of the language access needs
- Domestic violence victim's advocate
- Attorney
- Judges, court personnel
- Law enforcement officer (via citation)

- Prosecuting Attorney's Office
- Public Defender

2. Notice of the Availability of Language Access Services

Website

Consistent with RCW 2.43.090, the court will make available on its website translated information to inform the public of how to access the court's language access services. The court will provide this information in five or more languages other than English that reputable data demonstrates are the most commonly used in the court's service area.

The **Buckley Municipal Court** displays this notice on its website and at the court office located at 811 Main St., Buckley WA.

"You have the right to language access services at no cost to you. To request these services, please contact the court for assistance".

Additionally, **Buckley Municipal Court** has the following resources available at its points of contact, including those listed above when appropriate, to help LEP and D/HH/DB and court staff communicate with each other:

- Language identification cards at all points of contact
- Multi-lingual notices at all appropriate points of contact notifying members of the public of their right to request an interpreter or other language assistance at any point during their contact with the court.
- Video Remote Interpreting (VRI) Laptop
- Use of PocketTalk device for court counter services

When it appears that an individual has difficulty communicating due to a language barrier, **Buckley Municipal Court** staff must inform the LEP or D/HH/DB person of his or her right to have language access services provided by the courts at no cost to them, even if the LEP or D/HH/DB person has not made a request for the language access services.

V. LANGUAGE ACCESS SERVICES

Once the **Buckley Municipal Court** staff has determined interpreter services are

required for an LEP or DHH/DB individual, court staff have access to the following procedures for securing an interpreter:

- Once the court is notified that an interpreter is needed, notification is sent to the Interpreter Coordinator
- Interpreter Coordinator makes the necessary arrangements to secure a certified or registered (when available) interpreter as requested.
- When the interpreter is confirmed, the court is notified.

A. Language Access Services Inside the Court Room

1. Appointment of a Certified, Registered, or Qualified Interpreter for In Court Proceedings

The person responsible for appointing or securing the assistance of an interpreter at the **Buckley Municipal Court** will comply with the following order of preference in appointing an interpreter in RCW 2.43.030:

RCW 2.43.030

(2) If good cause is found for using an interpreter who is not credentialed, the judicial or presiding officer shall make a preliminary determination on the record that the proposed interpreter is able to interpret accurately all communications to and from the person with limited English proficiency in that particular proceeding. The judicial or presiding officer shall consider testimony and the needs of the person with limited English proficiency in making this determination

(3) After an appropriate colloquy or other process permitted by statute or regulation, the judicial or presiding officer shall satisfy itself on the record that:

(a) The proposed interpreter has read, understands, and will abide by the code of professional responsibility for judiciary interpreters established by court rule.

(b) The proposed interpreter has read, understands, and will abide by the code of professional responsibility for judiciary interpreters established by court rule. If the interpreter does not meet this requirement, the interpreter may be given time to review the code of professional responsibility for judiciary interpreters; and

(c) The person with limited English proficiency can understand the interpreter.

(4) The court shall inquire whether the interpreter can accurately interpret:

(a) In the consecutive mode, if that mode of interpretation is expected to be used; and

(b) In the simultaneous mode, if that mode is to be used.

(5) If the proposed interpreter does not meet the criteria in subsection (3) of this section, another interpreter must be used.

In the event no in-person interpreter is available locally, the court or designated authority will weigh the need for moving forward with the proceeding against any possible negative consequences to the LEP or D/HH/DB person's ability to effectively participate in the proceedings through the use of a remote interpreter, as may be allowed by Washington court rule or law. When evidentiary matters are before the court, the court shall reschedule the hearing until an in-person interpreter is available, whether located in-state or out-of-state, and be made present at the hearing.

Buckley Municipal Court will NOT appoint as interpreters anyone with a potential conflict of interest in the case, including the following: minors; friends and family of the LEP or D/HH/DB person; advocates and attorneys; justice partner bilingual staff; or anyone deemed unqualified after voir dire by the court.

2. Practices in the Appointment and Use of Interpreters

In appointing interpreters, staff at **Buckley Municipal Court**, will ensure that the interpreter and the LEP or D/HH/DB participant can effectively communicate. It is also the practice of **Buckley Municipal Court** to:

- Make a determination of the appropriate number of interpreters that may be required for the proceeding. When the proper administration of justice so requires the court will appoint multiple or separate interpreters.
- The court will take into account the anticipated length of interpreted proceedings to determine appropriate interpreter scheduling. Such consideration is generally applicable in longer hearings. The assignment of multiple interpreters is a quality assurance provision to help ensure accuracy. Consistent with GR 11.4, the court will assign interpreters as indicated below:

| Spoken language | Signed Language | Assign |
|--|-----------------|----------------|
| More than 1 hr. Simultaneous | More than 1 hr. | 2 interpreters |
| More than 2 hr. Consecutive | n/a | 2 interpreters |
| When a team of interpreters is not readily available and good cause is found on the record to proceed with one interpreter, the interpreter is to be provided a 10 minute break after every 20 minutes of interpreting. | | |

- Only allow an LEP or D/HH/DB person to waive his or her right to the assistance of an interpreter if the waiver is knowing, voluntary, and on the record. The waiver of an interpreter may be rejected by the court or later revoked by the person.
- Require interpreters to provide sight translations for documents related to the court proceedings.
- Prohibit interpreters from assisting LEP or D/HH/DB with entering information on court forms without the involvement of court staff in the completion of such forms.
- Provide sign language interpreters for jurors who are D/HH/DB when such persons are called and selected for jury service.

3. Calendaring and Scheduling of Interpreters for In-court and Out-of-court Contacts

Buckley Municipal Court will provide interpreter services in a timely manner. In order to provide high quality language access services in an efficient manner, **Buckley Municipal Court** employs the following practices:

- Batching of matters for which an interpreter for a specific language is needed so long as this does not cause unnecessary delays in access and loss of remedies available to litigants, such as:
 - Traffic Hearings, Disposition Hearings, and Review Hearings.
- Coordinating calendars so an interpreter may be available for several matters in the same court location on the same day.
- Coordinating the use of interpreters so that when an interpreter is not busy in a courtroom proceeding he or she may be available in person or telephonically to assist in other court-managed services, such as clerk's offices, pro se clinics, etc.

4. Remote Interpreting

For hearings, the **Buckley Municipal Court** uses the following remote interpreting technologies:

- Video-remote interpreting (VRI) via a laptop that can be used to readily access both ASL and spoken language interpreters in the event an in-person interpreter is not available for an assistance;
- Telephonic interpreting provided by credentialed interpreters; and
- Telephonic interpreting agencies.

The policy or practice of the court with regard to the use of remote interpreting services is as follows:

- Video remote and telephonic interpreting use will be consistent with GR 11.3 and will be used with caution. Generally, in-person interpreters are preferred.
- Telephonic interpreting will be a last resort for courtroom proceedings, and reserved for brief non-evidentiary proceedings such as continuances, given that non-verbal cues – not visible when on the telephone – are critical for communication. Telephonic interpreting can be particularly problematic in some circumstances such as for individuals who are deaf or hard of hearing, the elderly, those struggling with mental illness, quiet or nonverbally communicative individuals, and others.
- Video remote interpreting (VRI) will be used appropriately in order to be an efficient and effective mechanism for providing language access services when an in-person interpreter is not available and will meet the requirements for providing effective communication, including:
 - Real-time, full-motion video and audio;
 - A clear, large image;
 - A clear transmission of voices;
 - Adequate training of staff in utilizing the equipment; and
 - Use of Certified or Qualified interpreters with legal training.

The court requires training for staff and appointing authorities on VRI and telephonic interpreting, how to use the technologies, how to best utilize the remote interpreter, and what are appropriate events for such types of remote interpreting service. VRI shall not be the only option available to the court and should be used when in-person interpretation services are not available.

B. Language Services Outside the Courtroom

Buckley Municipal Court is responsible for taking reasonable steps to ensure that LEP, deaf and hearing impaired individuals have meaningful access to services outside the courtroom. It is the practice of the court to provide interpreters for court-managed services, programs and operations consistent with state and federal language access mandates. In compliance with such mandates, the court shall provide language access services for court-ordered programs or services at:

- Attorney Client interviews
- Investigator Witness interviews
- Information counter
- Court managed classes
- Probation or support service office
- TTY

- Translation of letters/requests in other than English languages
- Payment of fines/tickets
- Time Pay arrangements
- Mental Health Assessments

The court, in compliance with federal and state civil rights laws and regulations, shall provide the most appropriate language access service for these programs and services, including qualified interpreters, bilingual staff, and translated materials and information. When the most appropriate language access service is the appointment of a qualified interpreter, the court shall follow the guidelines described for the appointment of interpreters.

As noted in the policy interpretation section earlier, RCW 2.42 requires that courts provide interpreters for persons who are D/HH/DB when they are required to attend court ordered-programs or services. In addition to the provision of qualified interpreters in all proceedings where required, court's bilingual staff may assist with language needs outside of court proceedings. Bilingual staff shall be trained to understand their role, how it differs from the role of an interpreter, and that staff are only used for basic communications.

C. Translated Forms and Documents

Buckley Municipal Court understands the importance of translating forms, documents, and electronic materials into non-English languages, so that LEP individuals have greater access to the courts' services. Judicial and court staff shall not use web-based applications or software to process or provide translations for LEP individuals, as this method can provide inaccurate or incorrect translations.

State forms which have been translated are available at www.courts.wa.gov/forms. Additional informational resources translated into Spanish include:

- A Guide to Washington State Courts / Guía de los Tribunales del Estado de Washington
- Self-Represented Persons in District Court / Personas que se representan a sí mismas en el Tribunal de Distrito
- Self-Represented Persons in Municipal Court / Personas que se auto representan en los Tribunales Municipales
- Self-Represented Persons in Superior Court Civil Proceedings / Personas que se auto representan en procedimientos civiles en el Tribunal Superior
- An Introduction to Small Claims Court / Una Introducción Al Juzgado De Demandas De Cantidad Menor

Buckley Municipal Court is currently in the process of having the following forms translated into commonly used languages (Spanish, Russian, Korean, Vietnamese):

- Advisement of Rights

- Public Defender Application
- Time Pay Agreement
- Waiver of Speedy Trial
- Hearing Notice

The court shall make available such forms at appropriate locations in its court system and on the court's website.

D. Providing Emergency Information to LEP Court Customers

Buckley Municipal Court is responsible for taking reasonable steps to ensure that LEP and D/HH/DB individuals have meaningful access to emergency information should an emergency situation arise. The court provides such information in the following ways:

- There are universally understood emergency signs located in the strategic places throughout the courthouse building;
- Emergency exits are clearly marked;
- Evaluation map(s) that are located in visible public area points

VI. TRAINING

Buckley Municipal Court is committed to providing training for all judicial and court staff members who come in contact with LEP and D/HH/DB individuals in order to ensure the successful delivery of language access services. The court will provide staff training on all requirements in this Language Access Plan. Additional training opportunities will include:

- Proper appointment and scheduling of interpreters for all court proceedings and court-managed programs and services;
- Role of an interpreter, modes of interpreting, and interpreter ethics and professional standards;
- Courtroom management when interpreters are used;
- Court staff meetings and training opportunities regarding interpreter issues and customer service;
- Staff instruction regarding LAP policies and procedures during orientation and on an annual basis, as described in this LAP Plan;
- Training for attorneys, administrators, and judges regarding best practices of working with court interpreters; and
- Use of remote technologies for interpreting

Resources and information regarding language access services, policies and procedures and tools for providing language assistance (such as bench cards, language identification guides, brochures, etc.) are available to all court staff and decision makers at:

- The court's intranet and

- The court's Language Access Coordinator/Interpreter Coordinator

VII. COMPLAINT PROCESS FOR NON-COMPLIANCE

1. Complaints Against Local Court

This specific complaint process is designed to bring to the attention of the local court, and if necessary, the Interpreter Commission, allegations filed by LEP or D/HH/DB parties that the local court is out of compliance with its own Language Access Plan, any applicable federal statutes or regulations, state statutory provisions, such as RCW 2.42 or 2.43 and/or any applicable state or local court rules. This is an informal process whereby the Interpreter Commission may be involved in providing consultation and guidance to LEP parties and local courts in resolving and removing barriers to language access services and resources.

LEP and D/HH/DB individuals are encouraged to first file a complaint with the local court using local court customer complaint filing procedures. The local court complaint rules are as follows:

A. Local Court Complaint Process

1. The complaint is submitted to the administrator or interpreter coordinator in person or in writing in LEP person's language for consideration in accordance with local court-complaint process.
2. The court will respond to the complaint within 5 business days.

B. Complaint Filed with the Interpreter and Language Access Commission (Optional)

1. The complaint should include the following information:
 - a. A clear and brief description of the complaint and any evidence upon which the allegation is based, with relevant supporting documentation. The description and supporting evidence should include relevant facts that support the complaint that the court did not provide language access services;
 - b. If possible, the complaint should identify the section(s) of the court's plan, statutes or regulations alleged to have been violated and the time frame in which the lack of compliance is alleged to have occurred;
 - c. Disclosure of any other channels the complainant is pursuing, including legal action (optional); and
 - d. A statement authorizing the Interpreter Commission to send a copy of the complaint to the court that is the subject of the complaint.

Complaints filed with the Interpreter and Language Access Commission should be sent to:

Washington State Interpreter and Language Access Commission c/o
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170.

James Wells
AOC Language Access Program Supervisor
james.wells@courts.wa.gov

III. PUBLIC NOTIFICATION AND EVALUATION OF LAP

A. LAP Approval & Notification

The **Buckley Municipal Court's** LAP has been approved by the court administrator, and a copy has been forwarded to Washington State's Administrative Office of the Courts Interpreter Program Coordinator. Any revisions to the Plan are to be approved by the Court Administrator/Court Interpreter Coordinator, and then forwarded to the Interpreter Program Coordinator. Copies of the **Buckley Municipal Court's** LAP shall be provided upon request. In addition, the court shall post its LAP on its own website at: www.cityofbuckley.com/municipalcourt

B. Outreach and Communication of Plan

Buckley Municipal Court shall inform the public of the existence of the LAP and to this end, the court will collaborate with local bar associations, justice partners and other relevant organizations to ensure distribution of information.

C. Annual Evaluation of the LAP

Buckley Municipal Court will conduct an annual needs assessment to determine whether changes to the LAP are needed. To this end, the court will continue to communicate on an ongoing basis with stakeholders, including court staff, attorneys, and the public in the following manner(s):

- Surveys
- Meetings

- Written communication including email.

This assessment will be done by reviewing various areas in which the court provides language access services, taking into consideration, at a minimum, the number of interpreters requested by language in the courts and the identification of emerging changes in the languages spoken or signed within the court's local population as identified by any informational means or by other methods.

Elements of the assessment evaluation shall include:

- Number of LEP or D/HH/DB persons requesting court interpreters;
- Assessment of current language needs to determine if additional services or translated materials should be provided;
- Assessing whether staff members adequately understand LAP policies and procedures and how to carry them out;
- Gathering feedback from LEP, deaf and hearing impaired communities around the state; and
- Identification of challenges or trends your court is experiencing with providing language access services.

Any revisions made to the Plan will be communicated to all court personnel, and an updated version of the plan will be posted on the court's web site. In addition, the **Buckley Municipal Court** will submit to the AOC a copy of any updated information contained in this LAP within 60 days of its approval by the court administrator.

D. Ideas for Future Improvements in Language Access [Optional]

Registered interpreters are not trained or tested in different interpreting modes. For that reason, not all Court Registered interpreters can provide simultaneous interpretation in court. It is suggested that all Court Registered Interpreters undergo additional training.

In the event a Washington State AOC credentialed interpreter is not available, we request the ability to use court interpreters who have court credentials in other states and to be reimbursed through the interpreter program. This will expand the interpreter pool and allow courts to continue to improve access to justice for all non-English court customers.

Buckley Municipal Court will review the results of its annual needs assessment and conduct the following activities *[Check all that apply]*:

- Identify any challenges or trends the court is experiencing with providing language access services, sourcing of interpreters, document translation tasks, and website information that is accessible to LEP and DHH/DB individuals.
- Engage in collaborative efforts with other courts to improve and coordinate interpreter scheduling where interpreter resources are shared.
- Identify and implement changes or improvements identified by the court to improve language access services that are within the scope of this LAP

LAP Contact Person

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